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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,845	03/19/2001	Thomas E. Chefalas	YOR920010017US1	9247

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EXAMINER

FOWLKES, ANDRE R

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 03/25/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/811,845

Applicant(s)

CHEFALAS ET AL.

Examiner

Andre R. Fowkes

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-61 are pending.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: "effect data transaction" should be --effect data transactions--, on p. 2 line 5.

Appropriate correction is required.

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code, on p. 3 line 8-10. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

#### ***Claim Objections***

3. Claim 29 is objected to because of the following informalities: "A system for for" should be --A system for--, on line 1. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 12-32, and 34-61 are rejected under 35 U.S.C. 102(b) as being anticipated by May et al. (May), U.S. Patent No. 5,809,251.

As per claim 1, this is a method version of the claimed system discussed in claim 29, wherein all claimed limitations also have been addressed below.

As per claim 2, the rejection of claim 1 is incorporated and further, May discloses **based on the collected data, determining whether the item of software can be installed on the computer system, and if the item of software cannot, then ending execution of the method** (col. 1 lines 9-12, "Management information systems (MIS) are used to manage computing devices by monitoring and checking inventory, taking the current status of machine configurations (i.e. collected data)", and col. 2 lines 17-19, "the management information system (analyzes the collected data to determine if an item of software can/should be installed)").

As per claim 3, the rejection of claim 1 is incorporated and further, May discloses **submitting the collected data to a server** (col. 2 lines 16-18, "the management information system (MIS) requests (collected data, and it is submitted to the MIS)", and col. 1 lines 14-16, "An MIS console ... generally utilizes a desktop management interface (DMI) located within ... a server") **and receiving an analysis of the collected data, wherein the analysis specifies the proper version and the configuration options** (col. 2 lines 18-20, "(the collected data is analyzed and proper version of software to be installed is specified)").

As per claims 4 and 5, May also discloses such claimed limitations as addressed in claims 3 and 9, respectively.

As per claim 6, the rejection of claim 1 is incorporated and further, May discloses **receiving the instruction via one of a wireless network, a local area network, an Internet, an intranet, and a wide area network** (col. 3 lines 45-50, "interconnection may include one, or a combination of, a local area network, a wide area network, the internet, the world wide web, a public telephone system, ..., radio frequency transmission, a cellular phone system, and so on").

As per claim 7, May also discloses such claimed limitations as addressed in claim 29, below.

As per claim 8, the rejection of claim 7 is incorporated and further, May discloses that **the method is executed on a server** (col. 1 lines 14-16, "An MIS console (which executes the method), ... generally utilizes (components that can be executed on a) ... server").

As per claim 9, the rejection of claim 7 is incorporated and further, May discloses **receiving at least one confirmatory message from the at least one software installation agent** (col. 8 lines 10-12, "(The software installation agent on) the remote computer displays a note to the user about the results of the action").

As per claim 10, the rejection of claim 7 is incorporated and further, May discloses **receiving the instruction from a remote computing device via the network** (col. 1 lines 64-65, "an MIS has been used effectively to manage PCs and servers interconnected by a ... network", and computers connected in a network send and receive instructions with each other).

As per claim 12, May also discloses such claimed limitations as addressed in claim 6, above.

As per claim 13, the rejection of claim 7 is incorporated and further, May discloses **based on the user input, choosing** software installation/configuration options, (col. 10 lines 2-3, "(software installation/configuration options) can be ... (changed) by a user).

As per claim 14, the rejection of claim 7 is incorporated and further, May discloses **transmitting the at least one software installation agent to the at least one computer system to be installed by a user** (col. 1 lines 15-16, "a desktop management interface (which contains agent(s) is) located within each PC or server", and since the PC's and servers are connected in a network, they may transmit agents amongst themselves).

As per claim 15, this is a product version of the claimed system discussed in claim 29, wherein all claimed limitations also have been addressed below and such a product is deemed to be inherent in the May remote software installation system, otherwise it would be inoperative.

As per claims 16 – 28, May also discloses such claimed limitations as addressed in claims 2-14 above, respectively.

As per claim 29, May discloses **a network; a server connected to the network; a client computer connected to the network; and at least one target computer connected to the network** (col. 1 lines 64-65, "an MIS has been used effectively to manage PCs and servers interconnected by a ... network"), **wherein each**

**of the at least one target computer executes a software installation agent, (col. 1 lines 15-16, "a desktop management interface (which contains agent(s) is) located within each PC"), wherein the client computer submits a request to the server, responsive to receiving the request the server schedules an appropriate time to install an item of software (col. 1 lines 34-35, "(client computers send requests to servers)", and col. 2 lines 8-9, "(the server schedules) remote installation of ... software ... into a remote computer"), at the appropriate time the server notifies the software installation agent on each of the at least one target computer that the item of software is to be installed, the software agent on each of the at least one target computer collects data about the at least one target computer to make a determination if and how the item of software can be installed and configured (col. 2 lines 15-18, "(at the appropriate time), the management information system (uses agents to collect data about the target computer to determine what software should be installed)"), based on the determination the software installation agent on each of the at least one target computer downloads, installs, and configures the item of software on each of the at least one target computer (col. 2 lines 8-10, "(based on the analysis of the collected data), remote installation of ... software is (downloaded, installed, and configured on a target computer)").**

As per claims 30-32, May discloses such claimed limitations as addressed in claims 6, 3 and 29 above, respectively.

As per claim 34, this is an apparatus version of the claimed system discussed in claim 29, wherein all claimed limitations also have been addressed above and such an

apparatus is deemed to be inherent in the May remote software installation system, otherwise, it would be inoperative.

As per claims 35-39, May also discloses such claimed limitations as addressed in claims 2-6.

As per claim 40, this is an apparatus version of the claimed system discussed in claim 29, wherein all claimed limitations also have been addressed above and such an apparatus is deemed to be inherent in the May remote software installation system, otherwise, it would be inoperative.

As per claim 41-47, May also discloses such claimed limitations as addressed in claims 8-14.

As per claim 48, this is another system version of the claimed system discussed in claim 29, wherein all claimed limitations also have been addressed above and such an apparatus is deemed to be inherent in the May remote software installation system, otherwise, it would be inoperative.

As per claim 49-53, May also discloses such claimed limitations as addressed in claims 2-6.

As per claim 54, this is another system version of the claimed system discussed in claim 29, wherein all claimed limitations also have been addressed above and such an apparatus is deemed to be inherent in the May remote software installation system, otherwise, it would be inoperative.

As per claim 55-61, May also discloses such claimed limitations as addressed in claims 8-14.



***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over May et al. (May), U.S. Patent No. 5,809,251 in view of applicants admitted prior art (AAPA).

As per claim 11, the rejection of claim 10 is incorporated and further, May doesn't explicitly disclose **receiving the instructions through a Hyper-Text Markup Language (HTML) interface**.

However, AAPA, in an analogous environment, discloses **receiving the instructions through a Hyper-Text Markup Language (HTML) interface** (p. 2 lines 16-17, "Retrieval of information on the web is generally accomplished with an HTML-compatible browser").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of AAPA into the system of May **to allow the transferring of instructions using HTML**. The modification would have been obvious because one of ordinary skill in the art would want guarantee that

any browser can communicate with any web server on the World Wide Web, by using standard HTML syntax and the standard communications protocol, HTTP (AAPA, p. 3 lines 3-5).

As per claim 33, the rejection of claim 29 is incorporated and further, May doesn't explicitly disclose **submitting requests using a HyperText Transfer Protocol (HTTP)**.

However, AAPA, in an analogous environment, discloses **submitting requests using a HyperText Transfer Protocol (HTTP)** (p. 2 lines 24-25, "The browser then issues a hypertext transfer protocol (HTTP) request").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of AAPA into the system of May **to allow the transferring of instructions using HTML**. The modification would have been obvious because one of ordinary skill in the art would want guarantee that any browser can communicate with any web server on the World Wide Web, by using standard HTML syntax and the standard communications protocol, HTTP (AAPA, p. 3 lines 3-5).


### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (703)305-8889. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703)305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARF



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**